

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STATUS REPORT

AND NOW, comes the Petitioner, DON TEDFORD, by counsel, ADAM B. COGAN, ESQUIRE, and respectfully provides this report regarding the status of the state court litigation.

1. On July 6, 2022, this case was “**STAYED** and **ADMINISTRATIVELY CLOSED** pending the resolution of the proceeding in the state courts of Pennsylvania” (emphasis in the original; internal footnote explaining the meaning of an administrative closure deleted) and undersigned counsel was directed to file bi-annual reports with the Court concerning the status of the state court proceedings. DE 275.

2. Consistent with this Honorable Court's July 6, 2022, Order, on August 3, 2022, Don Tedford filed a timely pro-se motion for Post-Conviction Collateral Relief in the Court of Common Pleas of Butler County challenging his rape and murder convictions. In his petition, Tedford recited that after discovered evidence that was uncovered in connection with federal Habeas Corpus proceedings entitled him to a new trial under the Pennsylvania's Post Conviction Relief Act, specifically that Pennsylvania State Trooper Bernard

Stanek's concession that the murder for which Tedford was convicted and sentenced to death did not occur in the Finishing Touch was after discovered exculpatory evidence and evidence of a most serious and significant Brady violation. As the Court recalls, Trooper Stanek's concession was memorialized both in a book he published and in an affidavit he provided to undersigned counsel. Trooper Stanek's concession was a matter that was never previously made known to Tedford and was fatally inconsistent with the Commonwealth's repeatedly stated theory of the case at the trial that Jeanine Revak was murdered at the Finishing Touch and therefore that Tedford was guilty. Trooper Stanek's concession, however, was consistent with and corroborated the claim Tedford has made for 37 years that he was innocent of the murder of Jeanine Revak as he was at the Finishing Touch the entire day in question and therefore could not and did not commit the murder.

3. Immediately after Tedford's pro-se submission, Attorney Bruce Antkowiak and undersigned counsel sought and moved for appointment to represent Don Tedford in connection with the renewed state court PCRA proceedings.

4. On September 12, 2022, the Honorable Timothy McCune of the Court of Common Pleas of Butler County, the judge presumptively assigned the case, recused himself from any further matters pertaining to the case.

5. On September 28, 2022, the Honorable Kelley T.D. Streib of the Court of Common Pleas of Butler County, presumptively assigned the case upon Judge McCune's recusal, recused herself from any further matters pertaining to the case.

6. On October 12, 2022, the case was then specifically reassigned to the Honorable Joseph E. Kubit of the Court of Common Pleas of Butler County.

7. On October 19, 2022, Attorney Bruce Antkowiak and undersigned counsel were appointed to represent Tedford with regard to his pro-se PCRA application with undersigned counsel directed to file an Amended PCRA petition on Tedford's behalf within 90 days of the Court's Order, that is, by January 17, 2022.

8. On December 22, 2022, upon a counseled motion by Don Tedford, the Butler County Court of Common Pleas extended the time for the filing of Amended PCRA petition until April 17, 2023.

9. On or about April 12, 2023, Don Tedford, through counsel, timely filed his Amended PCRA Petition in the Court of Common Pleas of Butler County. Tedford's Amended PCRA Petition was approximately 260 pages in length. The Exhibits Tedford filed with regard to his Amended PCRA Petition were approximately an additional 1,000 pages in length.

10. On or about May 19, 2023, Don Tedford then moved to compel the Commonwealth to timely file an answer to Tedford's Amended PCRA Petition.

11. As of the date of this filing, both of these matters remain pending in the Court of Common Pleas of Butler County.

RESPECTFULLY REQUESTED,

s/Adam B. Cogan,
ADAM B. COGAN, ESQUIRE
PA I.D. NO.: 75654